

REMARKS

Summary

Claims 1-20 were pending and all of the claims were rejected in the Office Action. Claims 18-20 have been amended. The amendments are a matter of form and not substantive, as discussed below, and the Applicant respectfully requests that they be entered. No new matter has been added. The Applicant has carefully considered the references and the reasons for rejection advanced by the Examiner and respectfully traverses the rejections on the basis that a *prima facie* case of obviousness has not been made out.

Claim Objections

Claims 18-20 were objected to on the basis that the limitation “additive rate” is unclear. The Examiner asserts that the “Applicant has not provided a definition in the Specification as to what applicant means by ‘additive rate’”. (Office action, page 2). The Applicant responds that the specification uses the term “additive rate” in a context where a person skilled in the art would fully understand the meaning (see, for example, page 29, last paragraph). It is well established that the Applicant may act as his own lexicographer. However, in order to clearly place the Application in condition for allowance, the objected to claims have been amended so that the term “additive rate” has been avoided, and the Applicant respectfully submits that the objections have been obviated.

Claim Rejections

35 U.S.C §103 (a)

Claims 1-3, 10, 12-13, 16 and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Itoh et al. (US 5,841,496; “Itoh”) in view of Sasaki et al. (US 6,141,073; “Sasaki”), and further in view of Higashi. (US 6,747,719; “Higashi”) The Applicants respectfully traverse the rejection on the basis that a *prima facie* case of obviousness has not been made out.

Claim 1 recites, *inter alia*, an optical diffusion layer made of a transparent resin or a transparent adhesive deposited on the reflection substrate, the optical diffusion layer having fine particles dispersed therein.

The Examiner acknowledges that Itoh does not teach that the optical diffusion layer has fine particles dispersed therein (Office action, page 4, 3-5th lines from bottom of page) and depends on Higashi to remedy this deficiency in the *prima facie* case.

Higashi teaches “laying a monoparticle layer on a substrate...and a thin metal film laminated on the single-layer powder coating.” (Higashi, col 3, lines 59-64). It may be seen from Figs.2a and 2b of the reference that the monoparticle layer 12 is deposited directly on the substrate 11, is covered by a thin metallic [reflecting] layer 13, and an adhesive 20a. The thin metallic (reflective) layer 13 is adhered to the [upper] plate 24 by the adhesive 20 a. Thus, the reflective layer 13 is disposed between the monoparticle layer 12 and both the adhesive 20a. The monoparticle layer is therefore not “dispersed” in the adhesive 20a but, rather, separated from it by the metallic layer 13.

As such, the aspect of Claim 1 where the optical diffusion layer has fine particles dispersed therein is not taught or suggested by Higashi, and the combination of the references applied by the Examiner does not teach or suggest all of the elements and limitations of the present Claim 1, and a *prima facie* case of obviousness has not been made out.

For at least this reason, Claim 1 is not obvious and is allowable. Claims 2-3, 10, 12-13, 16 and 18 are claims dependent on an allowable claim and are allowable, without more.

Further, Claims 18-19 are allowable as not being obvious over the cited references. This was the situation prior to the amendment of the claims to overcome the objection discussed above, and is the situation now. Higashi teaches that the “powder particles are then laid in a state of a monoparticle layer on the formed binder layer having a tackiness to fix them.” (Higashi, col 12, lines 28-30; Fig. 1). The Applicant cannot find a quantitative description of the mass% of the particles with respect to the adhesive in the reference, but one can observe from Fig.1 that the particles constitute

the preponderance of the mass of the "layer". As such, a *prima facie* case of obviousness has not been made out, and the claims are allowable.

Claims 4-9, 11, and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Itoh in view of Sasaki, and further in view of Higashi, and further in view of Meyerhofer (US 3,905,682; "Meyerhofer"). Claim 4 recites similar allowable subject matter as Claim 1, and Meyerhofer is not cited to overcome defects in the *prima facie* case set forth above, and thus Claim 4 is allowable. Claims 5-9, 11, 14-15 and 19 are claims dependent on an allowable base claim and are allowable, without more.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Itoh in view of Higashi. For at least the same reasons as given for Claims 18-19, a *prima facie* case of obviousness has not been made out, and Claim 20 is allowable.

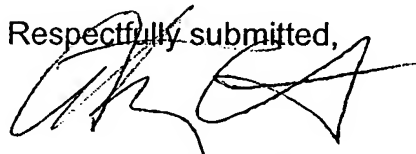
Conclusion

Claims 1- 20 are pending.

For at least the reasons given above, the Applicant respectfully submits that the pending claims are allowable.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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